

Message Text

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ACTION ARA-10

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FM AMEMBASSY LIMA

TO SECSTATE WASHDC 2901

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EO 11652: NA

TAGS: EINV, BDIS, EFIN, PFOR, PE

SUBJ: PROSECUTOR ASKS THAT CASE AGAINST TANTALEAN AND
OTHER BE DROPPED

REF: LIMA 10571

SUMMARY: LIMA PRESS REPORTS THAT PROSECUTOR (AGENTE FISCAL)
IN STAR-KIST CASE HAS ASKED THAT CHARGES AGAINST FORMER
FISHERIES MINISTER TANTALEAN AND OTHERS BE DROPPED AS THERE HAD
BEEN NO FRAUD COMMITTED BY THE ACCUSED PARTIES. END SUMMARY.

1. LIMA DAILIES EL COMERCIO AND EXPRESO DECEMBER 3 AND LA
PRENSA DECEMBER 5 PUBLISHED ARTICLES REPORTING THAT THE
GOVERNMENT ATTORNEY PROSECUTING THE CASE AGAINST FORMER
FISHERIES MINISTER JAVIER TANTALEAN AND OTHERS HAS RECOMMENDED
TO THE 4TH CORRECTIONAL COURT (CUARTO TRIBUNAL CORRECCIONAL)
THAT THE CHARGES AGAINST THE ACCUSED INDIVIDUALS BE DROPPED.
ACCORDING TO THE ARTICLES THE PROSECUTOR HAS INDICATED THAT,
BASED ON HIS INVESTIGATION UP TO NOW AND THE EVIDENCE PROVIDED
BY THE PERUVIAN ATTORNEY GENERAL'S OFFICE, THERE WAS
INSUFFICIENT MATERIAL TO WARRANT FURTHER PROSECUTION.
LA PRENSA CLAIMS THAT THE GOVERNMENT ATTORNEY HAS CON-
CLUDED(A) THAT THE ALLEGED FRAUD AGAINST THE STATE HAD
NOT TAKEN PLACE; (B) THAT TANTALEAN AND THE OTHERS HAD
NOT ACTED WITH FRAUDULENT OR MALICIOUS INTENT; AND (C)
THAT NONE OF THE ACCUSED HAD BENEFITTED ECONOMICALLY FROM
THE TRANSFER OF THE HUMAN-CONSUMPTION ASSETS FROM
PESCA-PERU TO STAR-KIST.

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2. COMMENT: THE CASE AGAINST TANTALEAN AND OTHERS
APPEARS TO BE MOVING WITHIN THE PERUVIAN LEGAL PROCESS
ALONG THE PATH WE HAD BEEN LED TO EXPECT THROUGH OUR CON-
VERSATIONS WITH ATTORNEY GENERAL DIAZ POMAR. ACCORDING TO
THE EMBASSY'S LAWYER THE 4TH CORRECTIONAL COURT MUST NOW
ACT ON THE GOVERNMENT ATTORNEY'S RECOMMENDATION AND THEN THE
CASE WILL BE PASSED ON TO THE SUPREME COURT FOR FINAL
DISPOSITION. PUBLICATION OF THE ATTORNEY'S VIEW THAT THE
EVIDENCE PRODUCED SO FAR IS NOT INCRIMINATING TENDS TO
CONFIRM INFORMATION GIVEN US THAT TANTALEAN, ET AL, WILL
EVENTUALLY BE CLEARED.
DEAN

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